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LETTERS PATENT APPEAL NO. 420 OF 2003
IN
SPECIAL CIVIL APPLICATION NO. 7688 OF 2003
RANGINBHAI S BARAIYA
VERSUS
D.S.P., KHEDA AND OTHERS

APPEARANCE:
MR.K.M.PAUL FOR APPELLANT

CORAM: ACTING CHIEF JUSTICE MR.J.N.BHATT
AND
MR.JUSTICE K.A.PUJ
DATE OF ORDER:29-04-2003
ORDER ORDER
(Per: Acting Chief Justice Mr.J.N.Bhatt)

1. The only short question, which requires our consideration and adjudication in this Letters Patent Appeal under Clause 15 of the Letters Patent, is as to whether when consistently four authorities in the departmental channel have found the appellant-original petitioner delinquent without any doubt, and confirmation of the same by the learned Single Judge in a writ petition under Article 227 of the Constitution of India, which is designed to provide redressal to the victims or persons on extraordinary prerogative equitable discretionary basis, can the same point be sought to be questioned before us.

2. Having given our anxious thoughts to the contentions raised by Mr.M.M.Paul, learned advocate appearing for the appellant, and the facts and circumstances emerging from the record of the present case, the type, nature and frequency of the delinquency committed, and proof against the appellant, who had been working in a responsible position in the Department, which is in charge of law and order wherein punctuality is one of the important material criteria, could be let off on any ground, or the impugned order of the disciplinary authority of dismissal from service, which came to be converted in appeal to removal from service, and confirmed in the second appeal before the Government, and thereafter by the learned Single Judge, could be said to be in any way unjust, unreasonable or perverse, requiring our interference in exercise of our powers

under Clause 15 of the Letters Patent, to which, our spontaneous positive answer is, in the negative. Consequently, the appeal needs only one reason for its dismissal at the inception. Accordingly, it is dismissed.

(J.N. BHATT, ACTING C.J.)

(K.A. PUJ, J.)

[SNDEVU]
P.S.